

GAHC010144212023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/2314/2023

BHUPEN PATOWARY
S/O- LATE MOHAN PATOWARY ,
R/O- JAYA NAGAR, H.NO-96 NEAR TANGRA SATRA,
GUWHATI, ASSAM,
P.O- KHANAPARA,
P.S- DISPUR,
PIN-781022,
DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM

Advocate for the Petitioner : MR P P MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

14.09.2023

Heard Mr. P.P. Medhi, learned counsel for the applicant and also heard Mr. K.

Baishya, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Hojai P.S. Case No.256/2023, under Sections 420/406/468/471/34 IPC, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Bhupen Patowary for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Nishant Agarwal on 19.05.2023. The essence of allegation made in the FIR is that the informant Nishant Agarwal entered into an agreement for purchasing 6 bighas of land at Golaghatia Basti, Hojai on 18.01.2023 with one lady, namely, Mrs. Shiv Kumari on being introduced by one Jagannath Ray of Golaghatia Basti and Md. Zakir Hussain. Thereafter, he had applied for sale permission for transfer of land from ADC, Hojai for registration of the aforesaid plot of land in his name and then he came to know that a fraud was committed by the aforesaid persons and with their other accomplice and they defrauded him of a sum of ₹ 48,55,000/-.

4. Mr. Medhi, learned counsel for the applicant submits that this Court was pleased to extend interim protection to the applicant vide order dated 04.07.2023, and pursuant to the said order, he had appeared before the I.O. and he has been cooperating with the investigating agency. Further, Mr. Medhi submits that the applicant was a Sub-Registrar under the Government of Assam and retired in the month of August, 2023 and that he is ready to cooperate with the investigating agency and there is also no scope of jumping bail and therefore, it is contended to make the interim order dated 04.07.2023, absolute, in the same terms and conditions.

5. Whereas, Mr. K. Baishya, learned Additional Public Prosecutor has produced the case diary before this Court and confirmed that the applicant had appeared before the I.O. and he has been cooperating with the investigating agency.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Baishya, learned Additional P.P.

7. It appears from the case diary that the applicant had appeared before the I.O. and he has been cooperating with the investigating agency and that the applicant was serving as a Sub-Registrar under the Govt. of Assam and he retired in the month of August, 2023.

8. In view of the submission of learned Advocates of both sides and also in view of the materials collected so far in the case diary as well as the progress of investigation and also in view of the fact that cooperation is being extended by the applicant with the investigating agency, his custodial interrogation seems to be not warranted here in this case and accordingly, this Court is inclined to make the interim order dated 04.07.2023, absolute, in the same terms and conditions.
9. In terms of above, this anticipatory bail application stands disposed of.
10. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant